

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

licensed so to do, means employees regularly working for the owner of the land in question at other occupations than the sale of real estate, their sales being incidental to their employment and not their whole employment. The exception is not intended to and does not permit full time engagement in the business of selling real estate such as is contemplated by subdivision of lots and engagement in the real estate business.

A seller of another's lots as an occupation, if not a real estate salesman employed by a real estate broker, is himself acting as a broker and should be so licensed.

NEAL A. DONAHUE
Assistant Attorney General

September 2, 1952

To R. C. Mudge, Finance Commissioner
Re: Contingent Fund – Pier at Bar Harbor

Your inquiry concerns payment from the Contingent Fund for items in connection with construction of a terminal or pier at Bar Harbor to be the Maine terminal of an International Ferry.

This work was authorized to be done by the Directors of the Maine Port Authority, which by section 2 of Chapter 219, P&SL 1951, is a "public agency of the State of Maine".

The said Directors have satisfied the Governor of the need for these funds wherewith to carry out the direction of the Legislature and they have not the money available. The work to be done presently appears in the nature of an emergency. It is therefore the opinion of this office that use of the Contingent Fund is legal for the purpose.

The question of indebtedness issued or liabilities incurred by said Port Authority becoming an obligation of the State of Maine is not here involved.

NEAL A. DONAHUE
Assistant Attorney General

September 3, 1952

To Robert L. Dow, Commissioner, Sea and Shore Fisheries
Re: Cutting up of Lobster Meat for Processing Purposes

Your inquiry, bearing date September 2, 1952, asks: "Is it legal for a person, firm or corporation to cut up the tail meat of lobsters in the preparation of a quick frozen lobster product?"

Aside from the right of hotels and restaurants to cut up such lobster meat immediately prior to and for the purpose of serving it to customers on the premises, the right to cut it up is by R. S. Chapter 34, section 120, restricted to the further and final exception that "any person may cut up such lobster meat (the tail section) immediately prior to and for the purpose of *canning*".